

The Salt River Journal.

A. H. BUCKNER,

"POWER IS EVER STEALING FROM THE MANY TO THE FEW."

EDITOR AND PROPRIETOR.

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SPEECH OF MR. CALHOUN.

OF SOUTH CAROLINA.

In Senate of the United States August 23, 1841 On the Distribution Bill.

Mr. CALHOUN said—

If this bill should become a law, it would make a wider breach in the constitution, and be followed by changes more disastrous, than any one measure which has been adopted. It would, in its violation of the constitution, go far beyond the general welfare doctrine of former days, which stretched the power of the Government as far as it was then supposed was possible by construction, however bold. But, as wide as were the limits; while this bill as I shall show, rests on principles which, if admitted, would supersede all limits.

According to the general welfare doctrine, Congress had power to raise money, and appropriate it to all objects which it might deem calculated to promote the general welfare, that is, the prosperity of the States, regarded in their aggregate character as members of the Union; or to express it more briefly, and in language once so common, to national objects; thus excluding, by necessary implication, all that were not national, as falling within the spheres of the separate States. As wide as are too narrow for this bill. It takes in what is excluded under the general welfare doctrine and assumes for Congress the right to raise money, to give by distribution to the States; that is, to be applied by them to those very local State objects to which that doctrine, by necessary implication denied that Congress had a right to appropriate money, and thus superseding all the limits of the constitution—as far at least, as the money power is concerned. The advocates of this extraordinary doctrine have, indeed attempted to restrict it, in their argument, to revenue derived from the public lands; but facts speak louder than words.—To test the sincerity of their argument after amendments have been offered to limit the operation of the bill exclusively to the revenue derived from that source, but which as often as offered have been steadily voted down by their united votes. But I take higher ground. The aid of those test votes, as strong as they are, is not needed to make good the assumption that Congress has the right to lay and collect taxes for the separate use of the States. The circumstances under which it is attempted to force this bill through, speak of themselves a language too distinct to be misunderstood.

The Treasury is exhausted; the revenues from the public lands cannot be spared; they are needed for the pressing and necessary wants of the Government. For every dollar withdrawn from the Treasury, and to the States, a dollar must be raised from the customs to supply its place; that is admitted.—Now I put it to the advocates of this bill—is there, can there be, any real difference either in principle or effect, between raising money from customs, to be divided among the States, and raising the same amount from them to supply the place of an equal sum withdrawn from the Treasury to be divided among the States? If there be a difference my faculties are not acute enough to perceive it; and I would thank any one who can to point it out. But, if this difficulty could be surmounted, it would avail nothing unless another, not inferior, can also be got over. The land from which the revenue, proposed to be divided is derived was purchased (with the exception of the small portion of the small portion comparatively, lying between the Ohio and Mississippi rivers) one of the common funds of the Union, and with money derived for the most part, from customs. I do not exempt the portion acquired from Georgia, which was purchased at its full value, and cost as much, in proportion as Florida purchased from Spain or Louisiana from France.

If money cannot be raised from custom or other resources for distribution, I ask, how can money derived from the sales of land purchased with money raised from the customs or other resources be distributed among the States? If the money could not be distributed before it was vested in land, on what principle can it be when it is converted back again into money by the sales of the land? If prior to the purchase it was subject, in making appropriations, to the limits prescribed by the constitution, how can it after

it had been converted back again into money by the sale of the land, be freed from those limits? By what art, what political alchemy, could the mere passage of the money through the lands free it from the constitutional shackles to which it was previously subject?

But if this difficulty also could be surmounted, there is another, not less formidable and more comprehensive, still to be overcome. If the lands belong to the States at all, they must belong to them in one of two capacities, either in their federative character, as members of a common Union; or in their separate, as distinct and independent communities. If the former, this Government, which was created as a common agent to carry into effect the objects for which the Union was formed, holds the lands, as it does all its other delegated powers, as a trustee for the States in their federal character, for the execution of those objects, and no other purpose whatever; and can of course, under the grant of the constitution "to dispose of the territories or other property belonging to the United States," disposed of the lands only under its trust powers, and in execution of the objects for which they were granted by the constitution. When, then, the lands, or other property of the United States, are disposed of by sale—that is, converted into money—the trust, with all its limitations, attached as fully to the money, as it did to the lands our property of which it is the proceeds. Nor would the Government have any more right to divide the land or the money among the States—that is, to surrender any other of its delegated powers. If it may surrender either to the State, it may also surrender the power of declaring war, laying duties, or coining money. They are all delegated by the same parties, held under the same instrument, and interest, for the execution of the same objects. The assumption of such a right paramount to the constitution itself—The right on the part of the Government to destroy the instrument, and dissolve the Union, from which it derives its existence. To such monstrous results must the principle on which this bill rests leads, on the supposition that the lands (that is, the territories) belong to the United States as they are expressly declared to do by the constitution.

But the difficulty would not be less if they should be considered as belonging to the States in their individual and separate character. So considered, what right can this Government possibly have over? It is the agent, or trustee, for the United States;—States as members of a common Union, and not of the States individually, each of which has a separate Government of its own to represent it in that capacity. For this Government to assume to represent them in both capacities, would be to assume all power—to centralize the whole system in itself. But admitting this bold assumption; on what principle of right or justice in the land really belong to the States—or, which is the same thing, the revenue from the lands belong to them—can this Government impose the various limitations prescribed in the bill?—What right has it, on that supposition, to appropriate funds belonging to the States separately, to the use of the Union, in the event of war, or in case the price of land should be increased above a dollar and a quarter an acre of the tariff above twenty per centum ad valorem.

Such, and so overwhelming, are the constitutional difficulties which beset this measure. No one who can overcome them—who can bring him self to vote for this bill—need trouble himself about constitutional scruples hereafter. He may swallow without hesitation, bank, tariff, and every other unconstitutional measure which has ever been adopted or proposed. Yes; it would be easier to make a plausible argument for the constitutionality of the most monstrous of the measures proposed by the abolition—for abolition itself—than for this detestable bill; and yet we find Senators from slaveholding States, the very safety of whose constituents depends on a strict construction of the constitution, recording their names in favor of a measure from which they have nothing to hope, and every thing to fear. To what is a course so blind to be attributed, but to that fanaticism of party zeal, openly avowed on this floor, which regards the preservation of the power of the whig party as the paramount consideration? It has staked its existence on the passage of this and the other measures for which this extraordinary session was called; and when it is brought to the alternative of their defeat or success, in the anxiety to avoid the one and secure the other, constituents, duty, and country,—all are forgotten.

A measure which would make so wide and fatal a breach in the constitution, could not but involve in its consequences many and disastrous changes in our political system; too numerous to be traced in a speech. It would require a volume to do them justice. As many as may fall touch in their proper place. Suffice it for the present to say, that such and so great would they be, as to disturb and confound the relations of all the constituent parts of our beautiful but complex system—of that between this and the co-ordinate Governments of the States, and

between them and their respective constituency. Let the principle of the distribution of the revenue, on which this bill rests, be established, and it would follow, as certainly as it is now before us, that this Government and those of the States would be placed in antagonist relations on all subjects except the collection and distribution of revenue; which would end, in time, in converting this into a mere machine of collection and distribution for those of the States, to the utter neglect of all the functions for which it was created. The proper responsibility of each to their respective constituency would be destroyed; then would succeed a scene of plunder and solution, or an entire change of system. Yes, if any one measure can dissolve this Union, this is that measure. The revenue is the State, said the great British statesman, Burke. With us, to divide the revenue among its members is to divide the Union. This bill proposes to divide that from the lands. Take one step more, to which this will lead if not arrested; divide the revenue from the customs, and what of union would be left? I touched more fully on this, and other important points connected with this detestable measure, during the discussions of the last session, and shall not now repeat what I then said.

What I now propose is, to trace the change it would make in our financial system, with its bearings on what ought to be the policy of the Government. I have selected it, not because it is the most important, because it is that which has heretofore received the least attention. This Government has heretofore been supported almost exclusively from two sources of Revenue—the lands and the customs; excepting a short period at its commencement, and during the late war, when it drew a great portion of its means from internal taxes. The revenue from lands has been constantly and steadily increasing with the increase of population, and may, for the next ten years, be safely estimated to yield an annual average income of \$5,000,000, if they should be properly administered—a sum equal to more than a fourth of what the entire expenditures of the Government ought to be, with due economy restricted to the objects for which it was instituted.

This bill proposes to withdraw this large, permanent, and growing source of revenue, from the Treasury of the Union, and to distribute it among the several States, and the question is, would it be wise to do so, viewed as a financial measure, in reference to what ought to be the policy of the Government? which brings up the previous question, what that policy ought to be? In the order of things, the question of policy precedes that of finance. The latter has reference to, and is dependent on the former. It must first be determined what ought to be done, before it can be ascertained how much of the revenue will be required, and on what it ought to be raised.

To the question, then, what ought to be the policy of the Government? the shortest and most comprehensive answer which I can give is, that it ought to be the very opposite of that for which this extraordinary session was called, and of which this measure forms so prominent a part. The effect of these measures is to divide and distract the country within, and to weaken it without; the very reverse of the objects for which the Government was instituted—which was to give peace, tranquility, and harmony within, and power, security and respectability without. We find, accordingly, that without, where strength was required, its powers are undivided. In its exterior relations—abroad, this Government is the sole and exclusive representative of the united majesty, sovereignty, and power of the States constituting this great and glorious Union. To the rest of the world, we are one. Neither States nor State Government is known beyond our borders. Within, it is different. There we find twenty six distinct, independent and sovereign communities, each with its separate Government, whose powers are as exclusive within, as that of this Government is without, with the exception of three classes of powers which are delegated to it. The first is, those that were necessary to the discharge of its exterior functions—such as declaring war, raising armies, providing a navy, and raising revenue. The reason for delegating these requires, no explanation.—The next class consists of those powers that were necessary to regulate the exterior or international relation of the States among themselves, considered a district communities—powers that could not be exercised by the States separately and the regulation of which was necessary to their peace, tranquility, and that free intercourse, social and commercial, which ought to exist between confederated States. Such are those of regulating commerce between the States, coining money, and fixing the value thereof, and the standard of weights and measures. The remaining class consists of those powers which, though not belonging to the exterior relations of the States, are of such nature that they could not be exercised by States separately, without one injuring the other—such as imposing duties of imports; in exercising of which the maritime States having the advantage of good ports, would tax those who

would have to draw their supply through them. In asserting that, with these exceptions, the powers of the States are exclusive within, I speak in general terms. There are, indeed, others not reducible to either of these classes; but they are too few and inconsiderable to be regarded as exceptions.

On the moderate and prudent exercise of these, its interior powers, the success of the Government, and with it our entire political system mainly depends. If the Government should be restricted in the exercise to the objects for which they were delegated, peace, harmony, and tranquility would reign within; and the attention of the Government, unabsorbed by distracting questions within, and its entire resources unwasted by expenditures on objects foreign to its duties, would be directed with all its energy to guard against danger from without, to give security to our vast commercial and navigating interest, and to acquire that weight and respectability for our name in the family of nations which without belong to the freest, most enterprising, and most growing people on the globe. If thus restricted in the exercise of these, the most delicate of its powers, and in the exercise of which only it can come in conflict with the Governments of the States, or interfere with their interior policy and interest, this Government, with our whole political system, would work like a charm, and become the admiration of the world.—The States left undisturbed within their separate spheres, and each in the full possession of its resources, would with that generous rivalry which always takes place between clusters of free States of the origin and language, and which gives the greatest possible impulse to improvement, carry excellence in all that is desirable beyond any former example.

But if, instead of restricting these powers to their proper objects, they should be perverted to those never intended; if for example, that of raising revenue should be perverted into that of protecting one branch of industry at the expense of others; that of collecting and disbursing the revenue, into that of incorporating a great central bank to be located at some favored point, and placed under local control; and that of making appropriations for specified objects, into that of expending money on whatever Congress should think proper—all this would be reversed. Instead of harmony and tranquility within, there would be discord, distraction, and conflict, followed by the absorption of the attention of the Government, and exhaustion of its means and energy on objects never intended to be placed under its control, to the utter neglect of the duties belonging to the exterior relations of the Government, and which are exclusively confided to its charge. Such has been, and ever must be the effect of perverting these powers to objects foreign to the constitution. When thus perverted, they become unequal in their action, operating to the benefit of one part or class, to the injury of another part or class—to the benefit of the manufacturing against the agricultural and commercial portions, or of the non-productive against the producing class. The more extensive the country, the greater would be the inequality and oppression. In ours, stretching over two thousand square miles, they became intolerable when pushed beyond moderate limits. It is then conflicts take place, from the struggle on the part of those who are benefited by the operation of an unequal system of legislation to retain their advantage, and on the part of the oppressed to resist it. When this state of things occurs, it is neither more nor less than a state of hostility between the oppressor and the oppressed—war waged not by armies, but by laws; acts and sections of acts are sent by the stronger party on a plundering expedition, instead of divisions and brigades, which often return more richly laden with spoils than a plundering expedition after the most successful foray.

That such must be the effect of the system or measures now attempted to be forced on the Government by the perversion of its interior powers, I appeal to the voice of experience in aid of the dictates of reason. I go back to the beginning of the Government, and ask what, at its outset, but this very system of measures, caused the great struggle which continued down to 1823, when the system reached its full growth in the tariff of that year? And what, from that period to the termination of the late election which brought the present party into power, has disturbed the harmony and tranquility of the country, deranged its currency, interrupted its business, endangered its liberty and institutions, but a struggle on one side to overthrow, and on the other to uphold the system? In that struggle it fell prostrate; and what now agitates the country—what causes this extraordinary session, with all its excitement, but the struggle on the part of those in power to restore the system; to incorporate a bank; to re-enact a protective tariff; to distribute the revenue from the lands; to originate another debt, and renew the system of wasteful expenditures; and the resistance on the part of the opposition to prevent it? Gentlemen talk of settling these questions; they deceived themselves. They cry peace! peace! when there is no peace.

There never can be peace till they are abandoned, or till our free and popular institutions are succeeded by the calm of despotism; and that not till the spirits of our patriotic and immortal ancestors, who achieved our independence and established our glorious political system, shall become extinct and their descendants a base and sordid rabble. Till then, or till our opponents shall be expelled from power, and their hope of restoring and maintaining their system of measures is blasted, the struggle will be continued, the tranquility and harmony of the country be disturbed, and the strength and resources of the Government be wasted within, and its duties neglected without.

But, of all the measures which constitute this pernicious system, there is not one more subversive of the objects for which the Government was instituted,—none more destructive of harmony within, and security without, than that now under consideration. Its direct tendency is to universal discord and distraction; to array the new States against the old, the non-indebted against the indebted, the staples against the manufacturing; one class against another; and finally, the people against the Government. But I pass these. My object is not to trace political consequences; but to discuss the financial bearings of this measure, regarded in reference to what ought to be the policy of the Government; which I trust I have satisfactorily shown ought to be, to turn its attention, energy, and resources from within to without,—to its appropriate and exclusive sphere,—that of guarding against danger from abroad; giving free scope and protection to our commerce and navigation, and that elevated standing to the country, to which it is so fairly entitled in the family of nations. It becomes necessary to repeat, preparatory to what I propose, that the object of this measure is to withdraw the revenue from the public land Treasury of the Union, to be divided among the States; that the probable annual amount that would be so drawn would average the next ten years not less than five millions of dollars; and that, to make up the deficit, an equal sum must be laid on the imports.—Such is the measure, regarded as one of finance; and the question is, would it be just, wise, expedient, considered in its bearings on what ought to be the policy of the Government?

The measure on its face is but a surrender of one of the two sources of the revenue to the States, to be divided among them in proportion to their joint delegation in the two Houses of Congress, and to impose a burden to an equal amount on the imports; that is, on the foreign commerce of the country. In every view I can take, it is preposterous, unequal, and unjust. Regarded in its more favorable aspect—that is on the supposition that the people of each State would pay back to the Treasury of the Union, through the tax on the imports, in order to make up the deficit, a sum equal to that received by the State as its distributive share; and that each individual would receive of that sum an amount equal in proportion to what he paid of the taxes, what would that be, but the folly of giving with one hand, and taking back with the other? It would, in fact, be worse. The expense of giving and taking back must be paid for, which in this case, would be one not a little expensive and troublesome. The expense of collecting the duties on imports is known to be about ten per cent.; to which must be added the expense and trouble of distribution, with the loss of the use of the money while the process is going on, which may be fairly estimated at two per cent. addition; making in all twelve per cent. for the cost of the process. It follows that the people of the States, in order to return back to the Treasury of the Union an amount equal to the sum received by distribution, would have each to pay, by the supposition, twelve per cent. more of taxes than his share of the sum distributed. That sum (equal to six hundred thousand dollars on five millions) would go to the collectors of the taxes—the customs house officers—for their share of the public spoils.

But it is still worse. It is unequal and unjust, as well as foolish, and absurd. The case supposed would not be the real state of the facts. It would be scarcely possible so to arrange a system of taxes, under which the people of each State would pay back a sum just equal to that received; much less that the tax should fall on each individual in the State, in the same proportion that he would receive the sum distributed to the State. But, if this be possible, it is certain that no system of taxes on imports especially the bill sent from the other House—can make such equalization. So far from that, I hazard nothing in asserting that the staple States would pay into the Treasury, under its operation, three times as much as they would receive on an average by the distribution, and some of them far more; while the manufacturing States, if we are to judge from their zeal in favor of the bill, the duties it proposes to impose would be bounties, not taxes. If indeed by their acts, both measures—the distribution and the duties, would favor their pockets. They would be gainers, let who may be losers in this financial game.

But be the inequality greater or less than may estimate, what could be more unjust